



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

[REDACTED]

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**PRELIMINARY RECITALS**

Pursuant to a petition filed June 30, 2015, under Wis. Admin. Code, §HA 3.03(4), to review a decision by the Dodge County Dept. of Human Services to deny child care assistance, a hearing was held on August 12, 2015, by telephone.

The issue for determination is whether the county correctly determined that petitioner's household was over the child care limit.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Children and Families  
201 East Washington Avenue, Room G200  
Madison, Wisconsin 53703

By: [REDACTED]  
Dodge County Dept. of Human Services  
143 E. Center Street  
Juneau, WI 53039-1371

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Dodge County.
2. Petitioner applied for child care assistance on June 2, 2015. He resides with his girlfriend and their three children. Both petitioner and his girlfriend are employed.
3. Household gross income totals \$6,186 per month, based upon forty-hour work weeks.
4. By a notice dated June 3, 2015, the county denied child care because income was over the limit.

## DISCUSSION

Parents are eligible for child care services if they need the care to attend Wisconsin Works (W-2) approved school, to work, or to participate in W-2 activities. Wis. Stat., §49.155(1m)(a); Wisconsin Shares Child Care Assistance Manual, Part 1.5.0. The agency must utilize gross income, and for a new application the income limit is 185% of the federal poverty limit. Wis. Stat., §49.155(1m)(c); Child Care Manual, Chapter 1, §§1.6.2 and 1.6.4. 185% of poverty for a five-person household is \$4,380. DECE Operations Memo no. 15-08, dated March 3, 2015. Weekly income is multiplied by 4.3 to determine monthly income (because there are slightly more than four weeks in a month). Child Care Manual, Chap. 1, §1.6.6.

I have reviewed all of the rules and policies, and there are no exceptions to the gross income test. Although petitioner's cost of child care is high along with other household expenses, I can find no authority for the Division of Hearings and Appeals to make petitioner's household eligible for child care when the gross income is well above the income limit.

## CONCLUSIONS OF LAW

The county agency correctly determined that petitioner's household income is above the child care assistance limit.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

## **REQUEST FOR A REHEARING**


You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

## **APPEAL TO COURT**

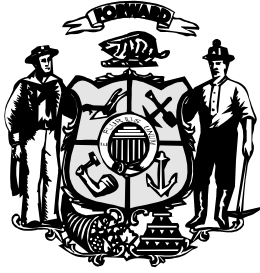
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

  
The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 17th day of August, 2015

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



## State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 17, 2015.

Dodge County Department of Human Services  
Child Care Benefits